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SUBJECT: INDIGENOUS PEOPLES IN THE PHILIPPINES: A SNAPSHOT

11. (U) This message is Sensitive but Unclassified -- Please handle accordingly.

12. (SBU) Summary: The approximately six million plus indigenous persons in the Philippines are marginalized and lag far behind the general population in most social and economic indicators. They also suffer disproportionately from armed conflicts, including displacement from their homes. The Philippine government has been slow to implement landmark laws like the Indigenous Peoples Rights' Act, primarily because of resource constraints as well as opposition from some commercial interests, but some limited progress has been made. Grants of certificates of title for ancestral lands to IPs have the potential to ensure land tenure rights and improve economic security as long as other supporting programs are in place. Further engagement of IPs in the political process -- negligible at this point -- could also help improve their status. End Summary.

Background

13. (U) Known primarily for their colorful clothes and unique customs, Indigenous Peoples (IPs) live throughout the Philippines but mostly in the mountainous areas of northern and central Luzon and in Mindanao. They are divided into approximately 110 ethnolinguistic groups. The largest IP tribes include the Ifugaos, Ibalois and Aetas in Luzon; and the Manobos, Matigsalogs and Higaonons in Mindanao. There are few statistics on IPs, and estimates of their population vary significantly. The 2000 National Census estimated that there were 6.3 million IPs in the Philippines, or more than 8 percent of the country's total population. However, the National Commission on Indigenous People (NCIP), using statistics from 1998, estimates that IPs now account for approximately 12-13 million or 14-15 percent of the population, with over 60 percent of the total in Mindanao and 38 percent in Luzon. Most observers agree that these latter figures are probably on the high side.

14. (U) Internal migration, intermarriage, and national population growth have greatly reduced the proportion and influence of IPs. For example, a study published by University of the Philippines found that whereas IPs (or "lumads", as they are popularly known) comprised 28 percent of the Mindanao population in 1918, this had fallen to 5 percent in 1995. Social and cultural discrimination, combined with a lack of access to basic health services as well as vulnerability to internal conflicts, have taken a severe toll on IPs. Some tribes now number in the hundreds or less.

15. (U) Although no specific laws discriminate against IPs, they have poor access to basic services because of the mainly remote locations that they inhabit. Because of their low educational status and unique social and cultural norms, they have been subjected to historical discrimination and exploitation, which prevents their full integration into society. Indigenous children suffer from lack of basic services, health, and education. Some NGOs estimate that up to 70 percent of indigenous youth drop out of or never attend school because of the prejudice they encounter.

Legal Framework

16. (U) Until 1986, there was no express legal recognition of indigenous peoples' rights in the Philippines. It was only the 1987 Constitution which declared that the GRP "recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development." The Constitution also states that the GRP is obliged to "protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being".

17. (U) The landmark 1997 Indigenous Peoples' Rights Act (Republic Act 8371, or IPRA) established the National Commission on Indigenous People to implement the

Constitutional provisions to protect IPs. The Office of the Northern Cultural Communities and the Office of the Southern Cultural Communities, established in 1987, were merged to form the NCIP. In 2004, President Arroyo made the NCIP an attached agency of the Department of Land Reform.

18. (U) The IPRA recognizes, protects, and promotes IPs' rights to: (a) ancestral lands; (b) self-governance; (c) social justice and human rights; (d) protection and preservation of their culture, traditions and institutions; and (e) basic services. The law supports the right of IPs to use their own judicial systems, conflict resolution mechanisms and other customary laws and practices within their respective tribes or communities.

19. (U) The IPRA grants certificates of title for ancestral domains to IPs who can prove their historical claim to the lands in question, but falls short of granting IPs full ownership over the natural resources. However, the IPRA recognizes the preferential right of IPs to manage and benefit from the resources within their lands, and requires any institution, company, or individual that would extract resources from ancestral domains to acquire the Free and Prior Informed Consent (FPIC) of the concerned IP community.

----- Government Actions and Programs -----

10. (U) By the end of 2004, the NCIP had awarded Certificates of Ancestral Domain Title (CADTs) covering over 604,000 hectares of land and benefiting over 198,000 indigenous persons. It awarded these certificates on the basis of communal ownership, impeding sale of the lands by tribal leaders. The law assigns indigenous groups the responsibility to preserve their domains from environmentally and socially inappropriate development, and the NCIP assists them to develop Ancestral Domain Sustainable Development and Protection Plans (ADSDPP).

11. (U) The NCIP drafted the 2004-2008 Medium-Term Philippine Development Plan for IPs (MTPDP-IP) to complement the national 2001-2004 MTPDP, on which it is based. The plan identifies the particular disadvantages and needs of IPs in order to promote and protect IPs' rights while formulating social and economic development programs.

12. (SBU) The IP Sectoral Council, comprised of the NCIP and secretaries from different government departments, is supposed to meet once every two months with the President to discuss issues facing IPs and to recommend appropriate government interventions. The NCIP's Executive Director Rosalina Bistoyong told poloff, however, that there have been no meetings in recent months due to the political turmoil.

13. (U) According to the NCIP, it has now established, in cooperation with the Assisi Development Foundation (ADF) and with European Union funding, 59 regional consultative bodies of IP leaders, in order to achieve the IPRA goal of improved IP representation. The President has formally recognized these representative bodies, and the NCIP's next step will be to set up a similar national consultative body to advise -- and represent IPs to -- the NCIP and other government departments at the national level.

14. (U) The NCIP also manages an educational assistance program in order to improve IPs' access to education (see Para 15). During the 2003-2004 school year, the program had 11,222 grantees, 83 percent of whom were college students.

----- Problems and Challenges -----

15. (U) Displacement and Loss of Livelihood: Indigenous people suffer disproportionately from armed conflict, including displacement from their homes, because they often inhabit mountainous areas also favored by guerrillas. Their lands are often the sites of armed encounters, and various parties to the fighting have recruited many indigenous people, including children. According to the Department of Social Welfare and Development, 110,635 persons were displaced in Central Mindanao and the Autonomous Region of Muslim Mindanao (ARMM) as of August 2005, mostly due to armed conflict. A sizable number of those orphaned are IPs. In the absence of formal property ownership rights and titling of ancestral lands in the past, large-scale agribusiness, mining, logging (legal and illegal), dams, special economic zones, and migrant settlers have also generally contributed to displacement and loss of livelihoods among IPs.

16. (U) Socioeconomic marginalization: An Asian Development Bank study in 2002 concluded that there was no substantial improvement in the economic condition of IPs in

the Philippines between 1988 and 1997. According to the 2000 National Census, IPs had a literacy rate of 70 percent, but only 46 percent finished their elementary education, while 7 percent finished college. Benjamin Abadiano, IP Program Coordinator at ADF, told poloff that because IPs experience cultural bias and social discrimination from birth they suffer from extremely low self-esteem and self-confidence, which set them up for underperformance and failure in any setting -- whether the classroom or the boardroom. In 2003, the Department of Education pledged at an IP Sectoral Council meeting that it would establish 60 new schools (5 each in 12 different regions) staffed by 20 teachers each specifically targeting underserved IP communities. However, it has so far only set up about 10 of these schools, with 40 teachers.

17. (U) IPs lack basic health services primarily because of: (a) the inaccessibility of many areas they inhabit; (b) the lack of peace and security due to internal conflict; (c) government financial resource constraints; and (d) the lack of a targeted Department of Health program for IPs. One NGO source estimates that in some areas infant mortality in indigenous communities is as high as 50 percent. The UNDP reports that malaria prevention and treatment is also sporadic in IP communities.

18. (U) Titling and FPIC Implementation: NGOs have also criticized the slow pace of titling of ancestral domains, as well as the inconsistent application of FPIC (approvals for extractive industries) in cases involving titled lands. Some NGOs assert that the process for proving ancestral land claims is overly burdensome and lengthy. The Tebtebba Foundation, an advocacy NGO for IPs, claims the NCIP is under pressure to revise FPIC guidelines to make it easier for mining firms to extract minerals from IPs' lands. According to Tebtebba, it has conducted six cases studies that all show poor FPIC implementation. Tebtebba has accused the NCIP of at times facilitating the creation of illegitimate or non-representative tribal councils to grant FPIC to contentious projects.

19. (SBU) Executive Director Bistoyong admitted to poloff that the NCIP has been slow in processing claims for certificates of title, but says that the NCIP is resolving the problem. She told poloff that she expects that the NCIP will award many additional CADTs (certificates for land) before the end of the year, including perhaps 11 during the next month. There are currently 212 pending CADT applications covering over 2.7 million hectares, mostly in Mindanao.

20. (U) Financial Constraints and Political Pressures: The NCIP has a budget of \$7.37 million (P405 million) for 2005, a decrease of over 20 percent from P536 million in 2004. Due to budget limitations, the NCIP attempts to leverage NGO and international donor assistance wherever possible. NGOs have also expressed concern that making the NCIP an agency attached to the Department of Land Reform shows that the GRP is only committed to IPs' rights to the extent these do not conflict with its interest in attracting foreign investment and promoting economic growth. NGOs also allege that there is political pressure on the NCIP to compromise its regulatory procedures in order to allow extractive industries to more easily enter and operate in IPs' ancestral lands.

21. (SBU) IPs and the Mindanao Peace Process: NGO advocates complain that IPs have been overlooked in the peace process. These NGOs say that recognition and implementation of the IPRA by ARMM officials and the MILF lacks governmental support in that region, and that the GRP and MILF may be reluctant -- for political reasons -- to allow IPs in Mindanao rights and veto power over lands where there could be significant mineral deposits. According to the NCIP, there are over 300,000 indigenous persons in the ARMM (roughly 12 percent of the total population). The NCIP says that it has been unsuccessfully trying to set up IP liaison officer desks in military units operating in Mindanao in order to mitigate the displacement and other problems encountered by IPs during military operations.

22. (SBU) As noted previously, warring parties in the country's internal conflicts have recruited many IPs. Indeed, a small minority of IPs have traditionally been sympathetic toward the Communist Party of the Philippines/New People's Army (CPP/NPA). To the extent that land titling ensures land security and contributes to economic security, recent developments have the potential to increase support among IPs for the GRP. NCIP's Rosalina Bistoyong believes that granting CADTs is helping to erode IP support for the Communists. However, there is no consensus on this. The ADF's Benjamin Abadiano, for example, told poloff that he does not think that titling is improving support for the GRP, and suggests that future potential conflicts over mining and land utilization (as the area covered by ancestral land titles grows) might increase

IP support for the CPP/NPA.

Comment

123. (SBU) So far, the NCIP has focused on land titling - an important step in ensuring IPs' rights to their ancestral lands and resources -- but neglected economic and social development. This neglect seems to be primarily due to the NCIP's limited resources. In order to ensure long-term success and avoid further disenchantment of IPs with the GRP, progress in obtaining land tenure rights needs to be translated into real economic and social gains through the continued implementation of the ADSDPPs and MTPDP-IP development goals, which will require increased program spending by the GRP. Model laws like the IPRA and the GRP's development plans, if implemented fully and consistently, hold promise for improving the condition of IPs. The recently established consultative bodies could also play a significant "pressure valve" role in representing and advocating the concerns of IPs at the local and national levels. Further engagement of IPs in the local and national political processes -- negligible at this point -- could also help raise their status.

JOHNSON